

REMARKS

Claims 1, 3-12, 14-23, and 25-32 were previously pending in this patent application. Claims 1, 3-12, 14-23, and 25-32 stand rejected. Herein, Claims 1, 12, 23, and 28 have been canceled. Claims 3-11, 14-22, 25-27, and 29-32 have been amended. New Claims 33-35 have been added. Support for the changes to the Claims may be found on, but not limited to, Figures 4A-4B; page 5, lines 11-21, and page 14, lines 9 to page 15, line 16 of the Specification. Accordingly, after this Amendment and Response, Claims 3-11, 14-22, 25-27, and 29-35 remain pending in this patent application. Further examination and reconsideration in view of the claims, remarks and arguments set forth below is respectfully requested.

Claim Objections

Since the claim objections to Claims 1, 3-12, 14-22, and 25-32 arise from Independent Claims 1, 12, and 23, these claim objections are now moot because Independent Claims 1, 12, and 23 have been canceled.

35 U.S.C. Section 103(a) Rejections

Claims 1, 3-12, 14-22, and 25-32 stand rejected under 35 U.S.C. 103(a) as being unpatentable over cited references Mamiya et al., U.S. Patent No. 5,764,322 (hereafter Mamiya); Kubo et al., U.S. Patent No. 6,456,279 (hereafter Kubo); and Hirakata et al., U.S. Patent No. 6,191,833 (hereafter Hirakata). These rejections are respectfully traversed. Since Independent Claims 1, 12, and 23 have been canceled, these rejections are now moot.

Dependent Claims 3-11 now depend from Independent Claim 33.

Dependent Claims 14-22 now depend from Independent Claim 34. Dependent Claims 25-27 and 29-32 now depend from Independent Claim 35. Dependent Claim 28 has been canceled. The combination of Mamiya, Kubo, and Hirakata does not disclose all the claim limitations of new Independent Claims 33-35. At page 4 of the Office Action, Figure 14 of Mamiya is cited. A review of Col. 1, lines 25-26 of Mamiya reveals that Figure 14 illustrates a conventional transmissive type liquid crystal display unit instead of a reflective-type display comprising at least one pixel and a light conducting spacer operative to conduct light through the reflective-type display, as in Independent Claims 33-35. Also, at page 5 of the Office Action, element 116 of Figure 14 of Mamiya is cited as corresponding to a “front light reflecting film”. A review of Col. 1, line 25 to Col. 2, line 65 of Mamiya reveals that Figure 14 fails to illustrate a reflective-type display that is located between the backlight device and the light reflecting film, as in Independent Claims 33-35.

Furthermore, at page 4 of the Office Action, Figures 4 and 11 of Kubo are cited as showing “embedded light guide”. A review of Kubo reveals that Figures 4 and 11 fail to illustrate a reflective-type display comprising at least one pixel and a light conducting spacer operative to conduct light through the reflective-type display and fail to illustrate a reflective-type display that is located between the backlight device and the light reflecting film, as in Independent Claims 33-35. Moreover, Hirakata fails to disclose a reflective-type display comprising at least one pixel and a light conducting spacer operative to conduct light through the reflective-type display and fails to disclose a reflective-type display that is located between the backlight device and the light reflecting film, as in Independent Claims 33-35

Therefore, it is respectfully submitted that Independent Claims 33-35 are patentable over the combination of Mamiya, Kubo, and Hirakata and are in condition for allowance.

Dependent Claims 3-11, 14-22, 25-27, and 29-32 are dependent on one of allowable Independent Claims 33-35, which are allowable over the combination of Mamiya, Kubo, and Hirakata. Hence, it is respectfully submitted that Dependent Claims 3-11, 14-22, 25-27, and 29-32 are patentable over the combination of Mamiya, Kubo, and Hirakata for the reasons discussed above.

At pages 5-6 of the Office Action, it is stated that Claims 7, 8, 18, 19, 29, 30, and 31 recite limitations directed to the manner in which the claimed apparatus is intended to be employed, citing the court decision EX PARTE MASHAM, 2 USPQ 2d 1647 (1987). More specifically, it is argued, “limitations the reflective display is used as a electronic ink display and electronic paper display,” (emphasis added), are directed to the manner in which the claimed apparatus is intended to be employed.

However, the term “used” is not found in the Claims 7, 8, 18, 19, 29, 30, and 31. Thus, the term “used” is improperly being incorporated into Claims 7, 8, 18, 19, 29, 30, and 31. There is no basis for incorporating the term “used” into Claims 7, 8, 18, 19, 29, 30, and 31. Moreover, Claims 7, 8, 18, 19, 29, 30, and 31 have a limitation format similar to the limitation format of Claims 3, 5, 14, 16, 25, and 27, which were not identified as being directed to the manner in which the claimed apparatus is intended to be employed. Further, the limitation “completely submerged in the developer material” was found to relate to the

intended manner of employing the claimed apparatus in the court decision EX PARTE MASHAM. Unlike the limitation in EX PARTE MASHAM, Claims 7, 8, 18, 19, 29, 30, and 31 have the terms “is” or “comprises” to claim specific embodiments rather than claim the manner in which the claimed apparatus is intended to be employed. Therefore, Claims 7, 8, 18, 19, 29, 30, and 31 are patentable over the modified or combined references Mamiya, Kubo, and Hirakata for these additional reasons.

CONCLUSION

It is respectfully submitted that the above claims, remarks, and arguments overcome all rejections and objections. All remaining claims (Claims 3-11, 14-22, 25-27, and 29-35) are neither anticipated nor obvious in view of the cited references. For at least the above-presented reasons, it is respectfully submitted that all remaining claims (Claims 3-11, 14-22, 25-27, and 29-35) are in condition for allowance.

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

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Respectfully submitted,

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Dated: August 6, 2008

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